



RULE-MAKING ORDER

CR-103 (June 2004)
(Implements RCW 34.05.360)

Agency: State Toxicologist

☒ Permanent Rule
☐ Emergency Rule

Effective date of rule:

Permanent Rules

☒ 31 days after filing.
☐ Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Effective date of rule:

Emergency Rules

☐ Immediately upon filing.
☐ Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

☐ Yes ☒ No If Yes, explain:

Purpose: The purpose of this amendment is to add the Alcosensor FST to the list of approved breath alcohol screening devices; to clarify the purposes for which the screening devices are to be used; and the steps that must be followed to ensure a valid test.

Citation of existing rules affected by this order:

Repealed:

Amended: WAC 448-15

Suspended:

Statutory authority for adoption: RCW 46.61.506

Other authority :

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 07-22-110 on 11/6/2007.

Describe any changes other than editing from proposed to adopted version:

There are two changes to adopted rule based on comment received during the comment period.

1. WAC 448-15-020. Use of Test Results. In the proposed language a reference is made to "the language described below". In the section adopted, the language is specifically identified as WAC 448-15-030.
2. WAC 448-15-030. Test Protocol. In the proposed version, the language regarding the advisement to the subject of the voluntary nature of the test was deleted. Based on comment received and considered, this language is re-inserted to the adopted rule.
3. WAC 448-15-040. Certification. In the proposed version the language regarding the frequency of certification was changed from requiring certification every six months to requiring annual certification. Based on consideration of the manufacturer's recommendations, the certification frequency will not change to annually, and will remain at six months.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- ☐ That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- ☐ That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Date adopted: 2/12/2008

NAME (TYPE OR PRINT): Barry K Logan PhD

SIGNATURE

TITLE State Toxicologist

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

**DATE: February 12, 2008
TIME: 10:17 AM**

WSR 08-05-029

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____